

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

IBRAHIM SORIE BAH,	:	
Petitioner	:	CIVIL ACTION NO. 3:18-1409
v.	:	(JUDGE MANNION)
CLAIR DOLL, <u>et al.</u>,	:	
Respondents	:	

ORDER

Pending before the court is the report of Magistrate Judge Martin C. Carlson, which recommends that the instant petition for writ of habeas corpus be granted and an individualized bond hearing be ordered for the petitioner within twenty-one (21) days. (Doc. 8). No objections have been filed to Judge Carlson's report.

When no objections are made to a report and recommendation, the court should, as a matter of good practice, "satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed.R.Civ.P. 72(b), advisory committee notes; see also Univac Dental Co. v. Dentsply Intern., Inc., 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing Henderson v. Carlson, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local

Rule 72.31.

The petitioner, an immigrant detainee who has been in custody in excess of 14 months without an individualized bond hearing, filed the instant action seeking an order directing said hearing before an Immigration Judge. In considering the petition, Judge Carlson thoroughly set forth the current state of the law with respect to the due process rights of aliens who are detained pending completion of removal proceedings. Considering the development of due process principles relating to the detention of criminal aliens, Judge Carlson concluded that the petitioner is entitled to an individualized bond hearing before an Immigration Judge. In considering Judge Carlson's report, the court agrees with the sound reasoning which led Judge Carlson to this conclusion. As such, Judge Carlson's report and recommendation will be adopted in its entirety.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1)** The report and recommendation of Judge Carlson, **(Doc. 8)**, is **ADOPTED IN ITS ENTIRETY**.
- (2)** The petition for writ of habeas corpus, **(Doc. 1)**, is **GRANTED** to the extent that an individualized bond hearing shall be conducted by an Immigration Judge within **twenty-one (21) days** of the date of this order, at which the Immigration Judge shall make an individualized finding, and

the government shall bear the burden of demonstrating, that the petitioner's continued detention is necessary to fulfill the purposes of the detention statute.

(3) The Clerk of Court shall **CLOSE THIS CASE.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

Date: November 7, 2018

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